

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

AMERI-TECH DIST., INC.)
Plaintiff,) CAUSE NO. 3:20-cv-258
v.)
THE GATEWAY GROUP, LLC)
Defendant.)

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

COMES NOW THE GATEWAY GROUP, LLC ("Gateway"), the only Defendant in the above-styled action, and files its Notice of Removal as follows:

1. Plaintiff, AMERI-TECH DIST., INC. ("Ameri-Tech"), filed a civil action against Gateway on September 3, 2020, Cause No. 2020-DCV2859, pending in the 168th Judicial District Court, El Paso County, Texas. Gateway first received a copy of the Plaintiff's Original Petition on September 15, 2020. A true and correct copy of the Plaintiff's Original Petition, citation and documents received by Gateway from the Office of the Texas Secretary of State are attached hereto as **Ex. 1**.

2. Ameri-Tech is a Texas corporation with its principal place of business located in El Paso County, Texas.

3. Gateway is a limited liability company formed under the laws of Arizona with its principal place of business located in Maricopa County, Arizona. The only members of Gateway are Gary Wenger and Jodi Wenger. Both Gary Wenger and Jodi Wenger are citizens of the United States and the State of Arizona and both are residents of Maricopa County, Arizona.

4. Plaintiff's Original Petition asserts a breach of contract claim with alleged damages sought to be recovered of \$177,791.95. Based on the foregoing, the amount in controversy exceeds \$75,000.

5. Gateway filed its Original Answer on October 12 (attached as **Ex. 2**) and Gateway's First Amended Answer and Counterclaim on October 14 (**Ex. 3**). Also attached is the Plaintiff's Request for Disclosure which was served on October 12, 2020 (**Ex. 4**). The attached **Exhibits 1-4** constitute all pleadings and documents which have been filed or served in the state court action, Cause No. 2020-DCV2859.

6. This action is removable to this Court pursuant to 28 U.S.C. §1441(a), §1446(a), §1446(b) and §1332(a) as there is a complete diversity of citizenship between the Plaintiff, Ameri-Tech, and the Defendant, Gateway, as well as all members of Gateway, and the amount in controversy exceeds \$75,000.

7. Defendant hereby files this Notice of Removal within thirty (30) days of the initial receipt by Gateway of the Plaintiff's Original Petition pursuant to 28 U.S.C. §1446 and Rule 11 of the Federal Rules of Civil Procedure. A Defendant's Notice of Removal will be filed in the state court proceeding and copies of both this Notice of Removal and the Defendant's Notice of Removal filed in the state court proceeding will be served upon counsel for Plaintiff.

Accordingly, Gateway requests that notice be taken of this Notice of Removal and that this case be assigned a cause number and a presiding judge pursuant to the rules for the United States District Court for the Western District of Texas, El Paso Division.

Respectfully submitted,

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By: /s/ Bryan H. Hall
Bryan H. Hall
State Bar No. 08744800

CERTIFICATE OF SERVICE

I hereby certify that on 14th day of October, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System which will send notification of such filing to all counsel of record and a copy the foregoing document was forwarded to **Stuart Schwartz**, PO Box 99123, El Paso, TX 79999-9123, via email and certified mail, return receipt requested.

By: /s/ Bryan H. Hall
Bryan H. Hall